



August 16, 1999

Ms. Moira Parro
Assistant District Attorney
Dallas County
Administration Building
411 Elm Street
Dallas, Texas 75202

OR99-2317

Dear Ms. Parro:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 126595.

The Dallas County Medical Examiner (the "medical examiner") received a request for a "full and complete" copy of a specific autopsy report. You state that the requested autopsy report is incomplete. You argue that until the autopsy report is finished, you have no obligation to release an incomplete report under article 4925 of the Code of Criminal Procedure. We have considered your arguments and have reviewed the submitted information.

The Texas Code of Criminal Procedure provides that

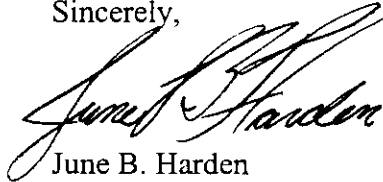
[t]he medical examiner shall keep full and complete records properly indexed, giving the name if known of every person whose death is investigated, the place where the body was found, the date, the cause and manner of death, and shall issue a death certificate. The full report and detailed findings of the autopsy, if any, shall be a part of the record. Copies of all records shall promptly be delivered to the proper district, county, or criminal district attorney in any case where further investigation is advisable. *Such records shall be public records.*

Code Crim. Proc. art. 49.25, § 11 (emphasis added). After careful review, we agree that this provision only pertains to the release of completed autopsy reports. Therefore, the medical examiner is not required to release an incomplete autopsy report under article 49.25.

We note, however, that information in the hands of the medical examiner is still subject to the provisions of the Act. *See* Gov't Code § 552.002 (defining public information.) You did not raise any exceptions to disclosure under the Act; therefore, we have no basis for determining that the submitted information is excepted from disclosure. Thus, the medical examiner must release the incomplete report to the requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "June B. Harden", written in a cursive style.

June B. Harden
Assistant Attorney General
Open Records Division

JBH/ch

Ref: ID# 126595

Encl. Submitted documents

cc: Mr. Rick Klein
Dallas Morning News
P.O. Box 655237
Dallas, Texas 75265
(w/o enclosures)